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09/839,309	04/23/2001	Fumiaki Ito	35.C15311	2780

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EXAMINER

BRANT, DMITRY

ART UNIT	PAPER NUMBER
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2655

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DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/839,309

Applicant(s)

ITO ET AL.

Examiner

Dmitry Brant

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04/23/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/23/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Paragraphs 13, 14 and 15 simply restate the claims. Use the excerpt below as a guide to the appropriate content for "Brief Summary of the Invention."

- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear which rule is given higher priority by "said selecting means." Please clarify the language of the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ladd et al.

(6,269,336 filed 10/2/1998). The table below summarizes the limitations of these claims and teachings in Ladd et al. that meet these limitations.

Claim #	Limitations	Ladd et al.
1	<p>A document processing apparatus comprising:</p> <p><u>document obtaining means</u> for obtaining a document written in a predetermined <u>markup language</u> from a <u>designated source</u> from which the document is to be obtained</p> <p><u>rule selecting means</u> for selecting a <u>rule defining voice input/output contents</u> from a plurality of predetermined rules</p>	<p><u>The network access apparatus</u> of the system allows the user to access (i.e., view and/or hear) the information retrieved from the <u>information source</u>. (Col. 3, lines 40-42). The information can be stored in a database of the information source and can include text content, <u>markup language</u> document or pages (Col 11, lines 42-45)</p> <p>The <u>parser unit</u> receives the information from the network fetcher unit and parses the information according to the syntax rules of the <u>markup language</u>. (Column 12, lines 18-20)</p> <p>The markup language can include elements that describe the <u>structure of a document or page</u>, provide <u>pronunciation of words and phrases</u>, and place markers in the text to <u>control interactive voice services</u>. The markup</p>

<p><u>document analyzing means</u> for analyzing a designated range of the document obtained by said document obtaining means based on the rule selected by said rule selecting means to <u>fetch</u> voice output contents, voice input candidates, and designation information for <u>designating a next processing object</u> corresponding to each <u>voice input candidate</u></p> <p>voice outputting means for <u>voice-outputting the voice output contents</u> fetched by said document analyzing means</p> <p>voice recognizing means for <u>voice-recognizing the voice input by the user</u></p> <p>controlling means for <u>checking the result of recognition</u> by said voice recognizing means against the input candidates fetched by said document analyzing means to <u>control obtainment of a new document</u> by said document obtaining means or <u>next analysis</u> by said document analyzing means based on designation information corresponding to the input candidate matching the recognition result.</p>	<p>language also provides elements that control phrasing, emphasis, pitch, speaking rate, and other characteristics. (Column 16, 12-18).</p> <p>The interpreter unit determines the <u>next state or step</u> based upon the structure of the dialog and the <u>inputs from the user</u>. When the interpreter unit transitions to a new dialog or page, the address of the new dialog or page is then sent to the <u>network fetcher</u>. (Column 13, lines 55-59)</p> <p>The TTS unit of the VRU server receives textual data or information... The TTS unit processes the textual data and <u>converts the data to voice data or information</u>. (Column 9, lines 3-10)</p> <p>The ASR unit of the VRU server provides speaker independent <u>automatic speech recognition of speech inputs</u> or communications from the <u>user</u>. (Column 9, lines 27-30)</p> <p>The <u>interpreter unit</u> can transition from state to state (i.e., step to step) within a tree structure (i.e., a dialog) of a markup language document or can transition to a new tree structure within the same dialog or another dialog. The interpreter unit <u>determines the next state or step</u> based upon the structure of the dialog and the <u>inputs from the user</u>. When the interpreter unit transitions <u>to a new dialog or page</u>, the address of the new dialog or page is then sent to the</p>
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		network fetcher. (Column 13, lines 52-59)
2	The document processing apparatus according to claim 1, wherein said rule selecting means <u>selects a rule</u> based on <u>rule identification information</u> described in the <u>document</u> obtained by said document obtaining means.	The voice browser <u>determines</u> whether the <u>grammar</u> for the user input is found in a predetermined or pre-existing grammar stored in a database or <u>contained in the markup language</u> . (Column 14, lines 21-24) See description of markup language at Column 13, lines 52-59.
3	The document processing apparatus according to claim 2, wherein said <u>rule identification information</u> is a predetermined attribute value of a <u>predetermined tag</u> .	<u>markup language document</u> includes <u>tags</u> (Column 16, line 29-31)
4	The document processing apparatus according to claim 2, wherein said rule selecting means selects a predetermined rule if the rule identification information is not described in the obtained document.	If a pre-existing grammar is not found at block, the voice browser dynamically generates the grammar for the user input. The voice browser looks up the pronunciations for the user in a dictionary. (Column 14, lines 29-33)
5	The document processing apparatus according to claim 1, wherein said document analyzing means fetches as said designation information a source from which a next document is obtained.	When the interpreter unit transitions to a new dialog or page, the address of the new dialog or page is then sent to the <u>network fetcher</u> . (Column 13, lines 55-59) <u>The network fetcher unit retrieves information</u> , including markup language documents, audio samples and grammars from the information sources. (Column 12, lines 10-14)
6	The document processing apparatus according to claim 1, wherein said document analyzing means fetches an <u>analyzed range of a next document</u> as said designation information.	The network fetcher unit retrieves information, <u>including markup language documents</u> (Column 12, lines 10-14). Since network fetcher can retrieve full documents, it can inherently retrieve multiple documents specified in the analyzed range of a next document.
7	The document processing apparatus according to claim 1, wherein said rule selecting means <u>selects a rule</u> based	The communication node can also <u>allow the user to select a particular speech recognition</u>

	on <u>instructions from a user</u> .	<u>model</u> . (Column 6, lines 33-36)
9	The document processing apparatus according to claim 1, wherein said <u>plurality of rules</u> includes a rule which defines a predetermined attribute value of a predetermined tag as <u>voice output contents</u> , and contents surrounded by predetermined second tags as <u>input candidates</u> , in said document.	The PROMPT element of the <u>markup language</u> is used to define content (i.e., text or an audio file) that is to be <u>presented to the user</u> . (Column 18, line 32-36). The INPUT element of the markup language is used to define a <u>valid user input</u> within each STEP element. (Column 18, line 56-58)
10	The document processing apparatus according to claim 9, wherein in said rule, if said recognition result matches an input candidate, contents ranging from the contents surrounded by said second predetermined tags which correspond to the input candidate up to a third predetermined tag are defined as <u>next voice output contents</u> , and an anchor in the voice output contents is defined as a <u>next input candidate</u> .	See example (Column 16, line 63 – Column 17, line 15). The page consists of one rule (DIALOG) encompassing PROMPT elements that define <u>voice output contents</u> and INPUT elements that define <u>input candidates</u> . The nature of the markup language is such that these elements can be arranged in a variety of configurations that limit claim 11.
11	The document processing apparatus according to claim 1, wherein said plurality of rules includes a rule which defines contents ranging from the head of said document to a predetermined tag as <u>voice output contents</u> , and an anchor in the voice output contents as an <u>input candidate</u> .	See example (Column 16, line 63 – Column 17, line 15). The page consists of one rule (DIALOG) encompassing PROMPT elements that define <u>voice output contents</u> and INPUT elements that define <u>input candidates</u> . The nature of the markup language is such that these elements can be arranged in a variety of configurations that limit claim 11.
12	The document processing apparatus according to claim 1, wherein said voice input and voice output are performed through a <u>telephone line</u> .	The telecommunication network is preferably connected to the communication node via a high-speed data link, such as, a T1 <u>telephone line</u> . (Column 5, lines 39-42)
13	A document processing method comprising:  a document obtaining step of <u>obtaining a document</u> written in a predetermined <u>markup language</u> from a designated <u>source</u> from which the document is to be obtained	The network access apparatus of the system allows the user to <u>access</u> (i.e., view and/or hear) the information retrieved from the <u>information source</u> . (Col. 3, lines 40-42). The information

<p>a rule selecting step of <u>selecting a rule</u> defining voice input/output contents from a plurality of predetermined rules</p> <p>a document analyzing step of <u>analyzing a designated range of the document</u> obtained in said document obtaining step based on the rule selected in said rule selecting step to <u>fetch</u> voice output contents, voice input candidates, and designation information for designating a next processing object corresponding to each voice input candidate</p> <p>a voice outputting step of <u>voice-outputting</u> the voice output contents fetched in said document analyzing step</p> <p>a voice recognizing step of <u>voice-recognizing</u> the voice input from the user</p> <p>and a controlling step of checking the result of recognition by said voice recognizing step against the <u>input</u> candidates fetched in said document analyzing step</p>	<p>can be stored in a database of the information source and can include text content, <u>markup language</u> document or pages (Col 11, lines 42-45)</p> <p>The parser unit receives the information from the network fetcher unit and <u>parses the information</u> according to the syntax rules of the markup language. (Column 12, lines 18-20) See definition of markup language at Column 16, 12-18.</p> <p>The interpreter unit carries out a dialog with the user based upon the <u>tree structure representing a markup language document</u>. (Column 13, lines 45-47) When the interpreter unit transitions to a new dialog or page, the address of the new dialog or page is then sent to the <u>network fetcher</u>. (Column 13, lines 55-59)</p> <p>The TTS unit of the VRU server receives textual data or information... The TTS unit processes the textual data and <u>converts the data to voice data or information</u>. (Column 9, lines 3-10)</p> <p>The ASR unit of the VRU server <u>provides speaker independent automatic speech recognition of speech inputs</u> or communications from the <u>user</u>. (Column 9, lines 27-30)</p> <p>The interpreter unit can transition from state to state (i.e., step to step) within a tree structure (i.e., a dialog) of a markup language document</p>
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	to <u>control obtainment of a new document</u> by said document obtaining step or <u>next analysis</u> by said document analyzing step based on designation information corresponding to the <u>input</u> candidate matching the recognition result.	or can transition to a new tree structure within the same dialog or another dialog. The interpreter unit <u>determines the next state or step</u> based upon the <u>structure of the dialog and the inputs from the user</u> . When the interpreter unit transitions <u>to a new dialog or page</u> , the address of the new dialog or page is then sent to the network fetcher. (Column 13, lines 52-59).
14	A <u>computer-executable program</u> for controlling a computer to perform document processing, said program comprising codes for causing the computer to perform:  <Text same as in claim 13>	communication node can be carried out in the form of hardware components and circuit designs, <u>software or computer programming</u> , or a combination thereof. (Column 7, lines 14-17)  The rest of this claim is rejected for the same reasons as claim 13.
15	A computer-readable storage medium for storing the program according to claim	communication node can be carried out in the form of <u>hardware components and circuit designs</u> , software or computer programming, or a combination thereof. (Column 7, lines 14-17)

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eteminan (6,426,956) discloses a system for voice browsing over a telecommunication network.

Ladd et al. (6,385,583) discloses markup language to provide interactive services over the Web.

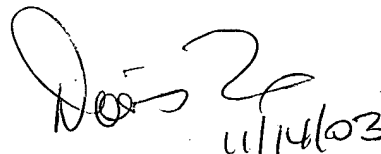
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Brant whose telephone number is (703) 305-8954. The examiner can normally be reached on Mon. - Fri. (8:30am - 5pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 306-3011. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Tech Center 2600 receptionist whose telephone number is (703) 305- 4700.

DB  
10/27/03

Handwritten signature of Ivars H. To in black ink, with the date 11/14/03 written below it.

IIVARS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOCENTER CENTER 2600